

Governor's Juvenile Justice Advisory Council 2016 Annual Report

The Juvenile Justice and Delinquency Prevention (JJDP) Act was passed by the United States Congress in 1974. It has been amended on several occasions and was reauthorized in 2002. The act has served as a major reform measure for juvenile justice in the United States and has redirected resources toward more innovative approaches to juvenile justice, emphasizing prevention and early intervention rather than simply focusing on the handling of juvenile delinquents. The core principles of the Act seek to remove status offenders (runaways, violations of curfew, truants and incorrigibles, etc.) from secure facilities, separate juveniles from adult offenders in all placements, remove all juveniles from adult detention facilities, and reduce the disproportionate representation of minorities throughout the juvenile justice system. In each participating state, the JJDP Act requires the creation of an advisory group to inform the Governor and other elected officials of issues concerning juvenile justice and other related matters.

The advisory groups in each state and territory assist and guide elected officials in addressing juvenile-related issues. The Coalition for Juvenile Justice (CJJ) gathers together the state advisory groups in a national cooperative effort to exchange knowledge, innovations, and data; develop consensus for national juvenile justice policy; and promote advocacy for youth in the juvenile justice system.

In South Carolina, the Governor's Juvenile Justice Advisory Council (GJJAC) consists of volunteer private citizens with an abiding interest and training in children's issues, as well as representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention. Created by South Carolina statute (Section 23-4-210) in 1975, the GJJAC is charged with the responsibility of advising policy makers on the state level about the needs of children and the juvenile justice system.

The GJJAC works toward the welfare of all youth, supports community efforts to build safe communities, recommends improvements in juvenile justice services, and offers technical assistance to state and local agencies in the planning and implementing of programs to improve the juvenile justice system. The GJJAC believes that keeping children out of the juvenile justice system through delinquency prevention and early intervention programs is critical to improving both the juvenile justice system and the quality of life for all of South Carolina's citizens.

The GJJAC also supports Balanced and Restorative Justice. This concept incorporates concern for public safety, accountability of the offenders to the victim(s) and the community, and the need to build skills in the juvenile offender. The location where this should take place and the severity of the sanctions depend upon the severity of the crime and the risk to the community of having this juvenile in the community while restoration is taking place. This strategy recognizes the importance of early intervention as a component of both prevention and graduated sanctions and the need to increase alternatives to detention, improve youth education, and increase employment opportunities.

The GJJAC has been actively involved in keeping youth charged with non-criminal misbehavior from being detained with violent juvenile offenders, and has proposed a variety of successful programs (through grant programs), which hold juvenile offenders accountable for their behavior.

GJJAC members strive to increase the effectiveness of the Council by delivering information on

proven programs, policies and practices, and educating state and local policy makers on juvenile justice issues. The Council increases public awareness of prominent issues in juvenile justice through communications and publications, as well as developing and implementing innovative strategies to prevent and reduce delinquency.

The JJDP Act requires compliance with the following federal core principles:

- a. That status offenders (juveniles who commit acts which would not be offenses if committed by adults, i.e. runaways, truants, violations of curfew) shall not be placed in secure detention facilities or secure correctional facilities;
- b. That neither juveniles alleged to be or found to be delinquent, nor status offenders, shall be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges (sight and sound separation);
- c. That juveniles not be detained or confined in any jail or lockup for adults for a period not to exceed six hours for processing or release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates; and
- d. That disproportionate representation of minority children in the juvenile justice system be addressed in juvenile detention facilities, secure correctional facilities, adult detention correctional facilities, and any other staff secured programs. Effective October 1, 2003, this core principle changed to Disproportionate Minority Contact (DMC) and states will be required to assess DMC in all phases of the juvenile justice system.

South Carolina was in compliance with all four core requirements of the JJDP Act for FFY 2015 as determined by FFY 2014 data. In the summer of 2015, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) informed South Carolina that 2013 data was being used to determine its FFY 2016 compliance. This is in direct contradiction to the JJDP Act itself, which states that the previous year's data is used to determine the subsequent fiscal year's compliance. South Carolina submitted an appeal in response to the decision by the OJJDP to use FFY 2013 data to make the compliance determination. Negotiations between South Carolina and OJJDP were unsuccessful to resolve this problematic issue and OJJDP denied the appeal. As a result, OJJDP withheld 40 percent of the State's annual Formula Grant award for FFY 2016 for non-compliance with the DSO and the Jail and Lock-Up Removal requirements of the OJJDP Act. No determination has been made by OJJDP regarding compliance for FFY 2017.

In 1996, the state enacted legislation that would allow secure confinement of status offenders, status contemptors and status probation violators to be committed to the custody of the Department of Juvenile Justice (DJJ) or to a secure evaluation center operated by DJJ for a determinate period not to exceed ninety days. Due to OJJDP's determination to use 2013 data, it withheld 20 percent of the State's annual Formula Grant award for FFY 2016 for non-compliance with the DSO requirement, because the number of confined status offenders was above the de minimus allowed. Efforts to deinstitutionalize status offenders have been and continue to be made by the South Carolina Department of Juvenile Justice and include implementing nonsecure alternative programs throughout the state and providing a risk and needs assessment instrument to

judges, solicitors, public defenders, and SCDJJ staff for use at the pre-adjudicatory detention, intake disposition, and commitment stages of the juvenile justice system.

South Carolina has achieved full compliance with the site and sound separation requirement of Section 223(a)(12) of the JJDP Act, and assures that adequate plans and resources are available to maintain full compliance. South Carolina further assures that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. Separation of juveniles from adult offenders is a matter not only of state law, but is included in the South Carolina Constitution.

Due to OJJDP's determination to use 2013 data, it withheld 20 percent of the State's annual Formula Grant award for FFY 2016 for non-compliance with the Jail and Lockup Removal requirement of Section 223(a)(13) of the JJDP Act. As of September 30, 2013, the Greenville County Juvenile Detention Center, which used juvenile justice grant funding for equipment purchases during renovation, began its official operation of detaining juveniles. All juveniles, juvenile files, and juvenile officers have been removed from the Greenville County Adult Detention Center. The Compliance Monitor completed a site monitoring visit on August 4, 2016, and determined that the facility was in compliance. South Carolina has no jail removal violations and contends that the state should be determined as "in compliance" with this core requirement.

South Carolina has completed Phases I (Identification) and II (Assessment) of the DMC plan as required by the JJDP Act and Regulation and is in compliance with this principle. Efforts continue in Phases III (Intervention), IV (Evaluation), and V (Monitoring). Although there is no state law that specifically addresses this core principle, legislation passed in the summer of 2006 requires law enforcement agencies to electronically report data to the South Carolina Department of Public Safety (SCDPS) including race, age, and gender for each non-arrest or non-citation traffic stop. South Carolina received technical assistance for the Effective Police Interactions with Youth training. In June 2015, SC Law Enforcement Officers from across the State participated in the training. In August 2015, training officers participated in Training-of-Trainers for the Effective Police Interactions with Youth training. In 2016 SCDJJ hired a part-time DMC Coordinator. Additionally, the DMC sub-committee of the GJJAC was reenergized and now meets on a regular basis. This sub-committee reports its ongoing efforts to the full GJJAC which continues to look for viable solutions to address the DMC issue in South Carolina.

A portion of JJDP funds allocated to the states by the federal Office of Juvenile Justice and Delinquency Prevention is used to provide administrative support, compliance monitoring, and program grant administration for the State Advisory Groups. In South Carolina, this support is provided by the South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs.

The GJJAC also recommends juvenile justice grant applications to the South Carolina Public Safety Coordinating Council for award or denial. In FFY 2016 the GJJAC recommended and received approval to fund seven Title II Formula grant applications. Three of the seven projects were awarded to private, not-for-profit agencies (Healing Species, Boys and Girls Clubs of the Midlands, and Columbia Urban League, Inc.), two to state agencies (the SC Commission on Indigent Defense and the SCDJJ), one to the City of Spartanburg, and one to the 11th Circuit Solicitor's Office. The 2016 Title II Formula projects address the deinstitutionalization of status offenders (DSO core requirement), alternatives to detention, DMC, and the Prison Rape Elimination Act. Projects using

Juvenile Accountability Block Grant funds were awarded to the University of South Carolina's Children's Law Center for a statewide initiative to reduce the institutionalization of status offenders; SCDJJ to provide cognitive behavioral therapy training for the agency's social workers; City of Spartanburg to provide a graduated sanctions option for youth in the community to avoid detention; and Boys and Girls Clubs of York County to provide after-school and out-of-school educational, character, recreational, and job readiness programming for court-referred teens.